

Permit Class
NEW

Permit Number
107-16

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to **Town of Ocean Isle Beach, 3 West 3rd Street, Ocean Isle Beach, NC 28469**

Authorizing development in Brunswick County at adj. to the Atlantic Ocean and Ocean Isle

, as requested in the permittee's application dated 10/16/16, AEC Hazard

Notice dated 3/23/15, incl. attached workplan drawings (12), as referenced in Condition No.1 of this permit.

This permit, issued on November 7, 2016, is subject to compliance with the application (where consistent with the permit); all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

- 1) Unless specifically altered herein, all development shall be carried out in accordance with the attached workplan drawings (12), 1-2, and 4-12 dated 5/13/15, and 3 of 12 dated 1/19/16.
- 2) Unless specifically altered herein, this permit authorizes construction of the terminal groin structure and its associated development activities, all as expressly and specifically set forth in the attached permit application and workplan drawings. Any additional land development and/or construction activities may require a modification of this permit. Contact a Division of Coastal Management (DCM) representative at (910) 796-7215 for this determination.

(See attached sheets for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

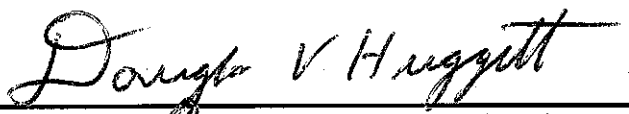
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2019

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DEQ and the Chairman of the Coastal Resources Commission.


for **Braxton C. Davis, Director**
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) To the extent any condition of this permit alters the proposed project, including mitigation and monitoring requirements, in such a manner so as to increase the actual or estimated cost of the project over the estimated cost for which a financial assurance package was prepared by the permittee and certified by the Department of Environmental Quality (DEQ) on 9/29/15, a modified financial assurance package shall be prepared and approved by DEQ prior to project initiation.
- 4) In order to protect threatened and endangered species and to minimize adverse impacts to offshore, nearshore, intertidal and beach resources, no development seaward of the first line of stable natural vegetation shall occur from April 1 to November 15 of any year without the prior approval of the Division of Coastal Management, in consultation with the appropriate agencies.

NOTE: The permittee is advised that there may be additional timing restrictions placed on the authorized project by the U.S. Army Corps of Engineers (USACE) as part of the Federal permitting process. Nothing in this State Permit should be construed as overriding or superseding any such Federal permit requirement.

Staging

- 5) Land-based equipment necessary for implementation of the permitted activities shall be brought to the site through existing accesses. Should the work result in any damage to existing accesses, the accesses shall be restored to pre-project conditions immediately upon project completion in that specific area.

NOTE: The permittee is advised that any new access sites may require a modification of this permit.

- 6) All materials, including stones and construction mats, shall be staged above Mean High Water, and landward of the dunes when possible.

Terminal Groin Construction

- 7) Construction of the terminal groin shall take place entirely within the areas indicated on the attached workplan drawings, unless additional authorizations for an expanded footprint or alternate alignment are first obtained from the DCM.
- 8) Material used for the construction of the terminal groin shall be free from loose dirt or any other pollutant in other than non-harmful quantities, and be of a size sufficient to prevent its movement from the approved alignment by wave and/or current action.
- 9) The terminal groin shall not exceed a length of 1,050 feet, which includes the 750-foot rubble mound groin and the associated 300-foot shore anchorage system.
- 10) In accordance with commitments made in the attached permit application and workplan drawings by the permittee, the terminal groin shall be constructed in a manner to allow the bypassing of sand through and over the structure.

ADDITIONAL CONDITIONS

- 11) Any post-construction tuning associated with the terminal groin shall be coordinated with the DCM, in consultation with the appropriate permit and resource agencies. Such tuning activities may require a modification of this CAMA Permit.

Sand Fillet

- 12) Prior to initiation of beach nourishment activity along each section of beach, the existing mean high water line shall be surveyed, and a copy of the survey provided to the Division of Coastal Management.
- 13) All excavation activities shall take place entirely within the areas indicated on attached workplan drawings.
- 14) Excavation shall not exceed -15' MLW (-13' MLW with a maximum 2' overdredge allowance).
- 15) Any such use authorized under this permit will be limited to a one (1) time use of the borrow site source. Any future use of the borrow area shall require additional coordination with the DCM.
- 16) The seaward sand fillet limit shall be constructed in accordance with the attached work plan drawings.
- 17) In order to prevent leakage, dredge pipes shall be routinely inspected. If leakage is found and repairs cannot be made immediately, pumping of material shall stop until such leaks are fixed.

Construction Trestle

- 18) All portions of the proposed construction trestle shall be removed in its entirety after project completion.
- 19) The construction trestle shall be placed in the alignment as depicted on the attached workplan drawings.

Inlet Management Plan - Mitigation and Monitoring

- 20) Unless specifically altered herein, the permittee shall implement, at its expense, all mitigation and monitoring commitments made in, or submitted with, the permit application, the Inlet Management Plan dated Received DCM Wilmington 2/23/16, or the FEIS.
- 21) Standardized surveys for piping plover, red knot and other beach-dependent birds shall be conducted by a contractor trained in bird identification and surveys before, during, and after construction and pipeline placement and removal.

NOTE: In an effort to protect nesting shorebird habitat, the permittee is encouraged to mark potential nesting areas each March with posts, signs and flagged stringed between posts. Any such posted areas should be maintained through August 15. Additional information can be obtained by contacting the N.C. Wildlife Resources Commission.

ADDITIONAL CONDITIONS

- 22) In accordance with commitments made by the permittee in the Inlet Management Plan dated Received DCM Wilmington 2/23/16, beach profile surveys shall continue at 6-month intervals, and inlet radial profiles and aerial photos shall be surveyed annually. An annual report shall be prepared and submitted annually. Surveys and monitoring, as described in the plan, shall continue until such time as the DCM agrees in writing that additional surveying and monitoring activities are no longer necessary.
- 23) The DCM may order the modification or removal of the terminal groin structure upon finding that any negative impacts associated with the constructed terminal groin structure outweigh the protective value of the structure. Upon such order, and in compliance with the time frames in the order, the permittee agrees to modify or to remove the terminal groin as in accordance with the order, potentially including up to removal in its entirety, including all portions of the structure below grade.
- 24) If erosion at Ocean Isle Beach or Holden Beach reaches any of the shoreline change thresholds listed in Table 6.1, the October 2009 Ocean Isle Beach shoreline depicted in Figure 6.4, or the Holden Beach shoreline position threshold depicted in Figure 6.6, as identified in the Inlet Management Plan dated Received DCM Wilmington 2/23/16, the permittee shall implement the verification and mitigation measures as proposed in the Inlet Management Plan, and/or as required by the DCM.

NOTE: Additional authorization from the DCM, as well as other resource agencies, may be required for any proposed mitigation.

- 25) Should the permittee utilize as a sand source material other than that identified in the application, the applicant shall implement additional consultation with DCM, to determine any additional requirements and/or authorizations.
- 26) All monitoring and reporting requirements shall continue until written authorization to terminate the monitoring and reporting is obtained from the DCM.

Sedimentation and Erosion Control

NOTE: An Erosion and Sedimentation Control Plan may be required for this project. This plan must be filed at least thirty (30) days prior to the beginning of any land disturbing activity. Submit this plan to the Department of Environmental Quality, Division of Energy, Mineral and Land Resources, 127 Cardinal Drive Extension, Wilmington, NC 28405.

General

- 27) No sand shall be placed on any sand bags that have been determined by the DCM to be subject to removal under 15A NCAC 07H .0308(a)(2). In order to ensure compliance with this condition, the DCM shall be contacted at (910) 796-7215 prior to project initiation to allow the DCM to meet on site with the permittee and/or contractor.

NOTE: The permittee is advised that the DCM regulates the removal of existing sandbags and the placement of new sandbags in accordance with 15A NCAC 07H .0308(a)(2), or in accordance with any variances granted by the N.C. Coastal Resources Commission.

ADDITIONAL CONDITIONS

- 28) Dune disturbance shall be allowed only to the extent necessary for development and provided that the dune's protective value is not weakened or reduced. All disturbed areas shall be immediately stabilized with vegetation.
- 29) Prior to the initiation of any beach nourishment activity above the mean high water contour (MHW) within the limits of the project area, easements or similar legal instruments shall be obtained from all affected property owners.
- 30) The permittee and contractor shall schedule a pre-construction conference with the DCM prior to the initiation of construction authorized by this permit.
- 31) This permit is not assignable, transferable, or otherwise alienable without the prior written approval of the DCM.

NOTE: The permittee's contractor is advised to contact the U.S. Coast Guard at (910) 815-4895, ext. 108 to discuss operations and appropriate lighting, markers, etc. for all structures located below Mean High Water.

NOTE: This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including but not limited to an Individual Permit from the USACE.

NOTE: Future development of the permittee's property may require a modification of this permit. Contact a representative of the DCM at (910) 796-7215 prior to the commencement of any such activity for this determination by the DCM.

NOTE: The N.C. Division of Water Resources (DWR) has authorized the proposed project under DWR Project No. 15-0220v2.

NOTE: The USACE has assigned the proposed project COE Action Id. No. SAW-2011-01241.